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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/556,380      | 11/10/2005  | Junichi Kobayashi    | 231/1/152           | 4323             |

170 7590 01/16/2007  
RICHARD M. GOLDBERG  
25 EAST SALEM STREET  
SUITE 419  
HACKENSACK, NJ 07601

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| EXAMINER |
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VERAA, CHRISTOPHER

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3611

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|----------------------------------------|------------|---------------|
| 3 MONTHS                               | 01/16/2007 | PAPER         |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/556,380

Applicant(s)

KOBAYASHI, JUNICHI

Examiner

Christopher E. Veraa

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6-11 and 13-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-11, 13-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 11/10/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 7-13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dolence et al (US-5741381) in view of Buchalter (US-5857502).

As to claim 1, Dolence et al teaches a labeling method where a removable second label portion with indicia printed on an underside is provided. Dolence et al lacks an additional removable label portion on top of the first label portion.

Buchalter teaches a first label portion that can be removed from a second label.

It would be obvious to one of ordinary skill in the art to modify the label in

Dolence et al to include a first label portion in order to increase the surface area where indicia can be displayed. Dolence et al further teaches all the method steps required to use the label.

As to claim 2, Dolence et al teaches using the label on a recyclable beverage container so that the bottle will be fit for recycling after the label is entirely removed.

As to claim 3, Dolence et al teaches a second label portion with printing on an underside. Dolence et al further teaches prior art where all or a portion of a beverage bottle label is transparent so that the contents of the bottle can be inspected therethrough or to provide certain ornamental effects. It would be obvious to one of ordinary skill in the art to provide a first label portion with transparent portions to provide ornamental effects or to allow a user to see what lies underneath.

As to claim 4, Dolence et al teaches a label where a removable second label portion with indicia printed on an underside is provided. Dolence et al lacks an additional removable label portion on top of the first label portion. Buchalter teaches a first label portion that can be removed from a second label. It would be obvious to one of ordinary skill in the art to modify the label in Dolence et al to include a first label portion in order to increase the surface area where indicia can be displayed.

As to claim 7, Dolence et al teaches a method for applying and removing a label (see figure 1). The combination of Dolence et al and Buchalter would obviously

include the further steps of attaching and detaching a removable outer portion of the label.

As to claim 8, Dolence et al teaches a method for applying and removing a label (see figure 1). The combination of Dolence et al and Buchalter would obviously include the further steps of attaching and detaching a removable outer portion of the label.

As to claim 9, The combination of Dolence et al and Buchalter teaches a peelable label that leaves a peelable label in a defined place on the bottle. It would be obvious to one of ordinary skill to include more than one peelable sticker as an obvious expedient.

As to claim 10, Dolence et al teaches a method for applying and removing a label (see figure 1). The combination of Dolence et al and Buchalter would obviously include the further steps of attaching and detaching a removable outer portion of the label. It would be obvious to one of ordinary skill in the art to merely include two parts of the label portion adhered directly to the bottle.

As to claim 11, Dolence et al teaches that the label portion directly attached to the bottle can be removed to make the bottle fit for recycling.

As to claim 13, Dolence et al teaches a second label portion with printing on an underside. Dolence et al further teaches prior art where all or a portion of a beverage bottle label is transparent so that the contents of the bottle can be inspected therethrough or to provide certain ornamental effects. It would be obvious to one of ordinary skill in the art to provide a first label portion with

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transparent portions to provide ornamental effects or to allow a user to see what lies underneath.

As to claim 17, Buchalter teaches perforations (column 5, lines 9-14) for providing a tear line for removing the outer label portion. It would be obvious to modify Dolence et al to include a tear line in order to allow for the use of a stronger adhesive.

4. Claim 6 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dolence et al (US-5741381) in view of Buchalter (US-5857502) and further in view of Ito et al (US-6548595).

As to claim 6, Dolence et al teaches a label where a removable second label portion with indicia printed on an underside is provided. Dolence et al lacks an additional removable label portion on top of the first label portion. Buchalter teaches a first label portion that can be removed from a second label. It would be obvious to one of ordinary skill in the art to modify the label in Dolence et al to include a first label portion in order to increase the surface area where indicia can be displayed. The combination thereof would be a superimposed laminar assemblage. Dolence et al specifically teaches polypropylene as a construction material for a label. Dolence et al does not teach a polymerised ester as described. Ito et al teaches constructing bottle labels using polypropylene terephthalate. It would be obvious to one of ordinary skill in the art to use this material for constructing a label because it has advantageous heat shrink properties.

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As to claim 14, the content of printed matter cannot be relied on for patentability.

As to claim 15, Buchalter teaches perforations (column 5, lines 9-14) for providing a tear line for removing the outer label portion. It would be obvious to modify Dolence et al to include a tear line in order to allow for the use of a stronger adhesive.

As to claim 16, Dolence et al teaches polypropylene as a construction material. Ito et al teaches constructing bottle labels using polypropylene terephthalate. It would be obvious to one of ordinary skill in the art to use this material for constructing a label because it has advantageous heat shrink properties.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nojima et al (US-2001/0038204) teaches a tubular label with a printing on the inwardly facing surface.

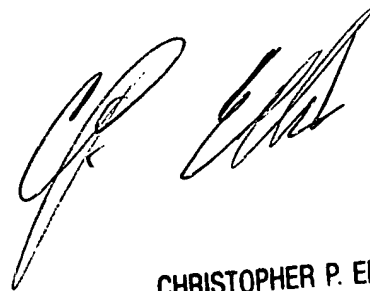
Dronzek et al (US-2003/0034645) teaches a peelable label.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher E. Veraa whose telephone number is 571-272-2329. The examiner can normally be reached on Monday through Friday, 7:00 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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CHRISTOPHER P. ELLIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600